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June 9, 2000

(DATE)

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Patent Application

#32  
Recd.  
10/13/00

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Harris, et al.**

Serial No.: **08/259,413**

Group Art Unit No.: **1651**

Filed: **June 14, 1994**

Examiner: **H. Lilling**

For: **PEGylation Reagents and Compounds  
Formed Therewith**

Docket No.: **S-210C (previously called SYNE-210C)**

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## RESPONSE

Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

The following paper is being submitted in response to an Office Action dated December 10, 1999. Claims 1-14 and 16-44 were previously canceled. Claims 15 and 45-58 are present in the instant application.

## Discussion

### Provisional Rejection of Claims 15, 45-47 and 50

Claims 15, 45-47 and 50 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 36 of copending Application No. 08/482,283.

Applicants' attorney acknowledges the rejection and stands prepared to submit a terminal disclaimer, as appropriate, upon positive resolution of all other matters concerning patentability of the claims.



Rejection of Claims 15 and 45-58 under 35 U.S.C. §102 or, in the alternative, under §103(a)

Claims 15 and 45-58 stand rejected under 35 U.S.C. §102 as anticipated by, or in the alternative, under §103(a) as obvious over Armes et al WO9216221. The Office states that "both of the priority documents 07/850,675 and 07/669,862 were abandoned prior to the filing of this instant application. There is a hiatus in the line of priority which prevents this Examiner to remove the above rejection."

The Office's attention is respectfully directed to MPEP 608.01(p)I.A., wherein it reads:

(Abandoned applications less than 20 years old can be incorporated by reference to the same extent as copending applications; both types are open to the public upon the referencing application issuing as a patent. See MPEP §103).

Accordingly, Applicants respectfully request that the Office withdraw the present rejection.

Applicants kindly request an early notice of allowance of the present application.

Respectfully submitted,

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